

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

KNIFE RIGHTS INC., *et al.*,

Plaintiffs,

v.

Civil Action No. 4:23-cv-547-O

MERRICK GARLAND, *et al.*,

Defendants.

DECLARATION OF MATTHEW ZABKIEWICZ

I, Matthew Zabkiewicz, hereby state and declare:

1. I am employed by the U.S. Department of Justice, in the Executive Office for United States Attorneys (EOUSA). Within EOUSA, I am assigned to the Legal Programs Office, on its Data Integrity and Analysis staff (DIA). I am a Management and Program Analyst in DIA and have served in this position since January 1, 2023. Prior to my current position, I was employed by the United States Attorney's Office (USAO) for the Eastern District of Michigan having worked with USAO case management systems and data reporting since 2003.

2. I make this declaration in my official capacity as an EOUSA employee, based upon my own personal knowledge and information provided to me in the course of my duties.

3. DIA is the primary source of statistical information and analysis for EOUSA regarding caseloads at the USAOs. Among other functions, DIA extracts data entered into CaseView, EOUSA's case management system used by all USAOs nationwide to record and monitor their cases and manage their caseloads. DIA queries data to respond to requests from within and outside the Department of Justice for data regarding those USAOs' criminal, civil, and appellate caseloads.

4. For criminal prosecutions, CaseView tracks the statutory basis for each, specifically

the provision of the United States Code at issue. Any prosecutions by the USAOs under the Federal Switchblade Act would be entered in CaseView, specifically under 15 U.S.C. § 1242, the provision that carries criminal penalties.

5. On Wednesday, November 8, 2023, I queried CaseView data for all criminal prosecutions under the Switchblade Act, section 15 U.S.C. § 1242. The query of the current database, which contains data from 2004 to the present, revealed that there have been only four criminal cases filed by the USAOs under 15 U.S.C. § 1242, each occurring in a different USAO. There have been no federal prosecutions under section 15 U.S.C. § 1242 since 2010 according to the query results. Additionally, I queried the database for prosecutions under section 15 U.S.C. § 1243. There have been no recorded prosecutions under section 15 U.S.C. § 1243 since at least 2004. The statutory citation 15 U.S.C. § 1245 has not been added to CaseView, which indicates that that statutory provision has not been charged since at least 2004.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 17, 2023



MATTHEW ZABKIEWICZ
Executive Office for U.S. Attorneys